IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9837 of 2005

Between:

G.Eswar Prasad, S/o. G.Laxmirajam,
Korutla Town, Karimnagar district.

..... PETITIONER

AND

1 Korutla Municipality Commissioner, Korutla, Karimnagar District.
2 Thatikonda Omkar Keshav, S/o. Keshav Lakshman,
1-3-356 Near Godam, Korutla Town, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly, one in the nature of writ of Mandamus declaring the action of the 1st respondent in not initiating any action against the illegal construction being made by the 2nd respondent in premises No.1-3-356, 1-3-357 & 1-3-358 Godam Road, Korutal Town, Karimnagar District contrary to the sanction given by the 1st respondent as being illegal, arbitrary, unconstitutional and contrary to the provisions of AP Municipalities Act, 1965 and consequently direct the 1st respondent to initiate appropriate action for demolishing the said illegal construction.

Counsel for the Petitioner:MR.S.NIRANJAN REDDY

Counsel for the Respondent No.1: MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

Counsel for the Respondent No.2 : None appeard.

The Court, at the stage of admission, made the following :

ORDER:

Heard learned counsel for the petitioner and the learned standing counsel appearing for the first respondent.

This writ petition is filed aggrieved by the alleged inaction on the part of the first respondent in taking necessary action on the basis of the representation of the petitioner dated 09.04.2005, wherein he has alleged that the second respondent herein has been proceeding with unauthorized constructions in the premises bearing No.1-3-356, 1-3-357 and 1-3-358 situated at Godam Road, Korutla Town,Karimnagar District adjoining the petitioner's cinema theatres bearing Municipal No.1-3-359 and thereby causing inconvenience to the petitioner as well as the public.

Having regard to the facts and circumstances of the case, without expressing any opinion as to the correctness of the allegations made by the petitioner, the writ petition is disposed of with a direction to the first respondent to consider the representation of the petitioner dated 09.04.2005 and to pass appropriate orders in accordance with law, after affording due opportunity to the second respondent to rebut the allegations made against him, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. No costs.

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27.04.2005

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To

1 Korutla Municipality Commissioner, Korutla, Karimnagar District.
2 Thatikonda Omkar Keshav, S/o. Keshav Lakshman,
1-3-356 Near Godam, Korutla Town, Karimnagar District.

3 2 CD copies

4 1 CC to MR.NIRANJAN REDDY

5 1 CC to MR.POLISETTI RADHAKRISHNA (SC FOR MPL).